

601301120000

J. ROBERT WOOLEY, COMMISSIONER  
OF INSURANCE FOR THE STATE OF  
LOUISIANA, AS LIQUIDATOR FOR  
AMCARE HEALTH PLANS OF  
LOUISIANA, INC.

NUMBER: 499,737 DIVISION: D

19<sup>TH</sup> JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

COST OK Amt.

THOMAS S. LUCKSINGER, ET AL.

STATE OF LOUISIANA DEC 02 2005

\*\*\*\*\*

BY  
BY CLERK OF COURT

J. ROBERT WOOLEY, COMMISSIONER  
OF INSURANCE FOR THE STATE OF  
LOUISIANA IN HIS CAPACITY AS  
LIQUIDATOR OF AMCARE HEALTH  
PLANS OF LOUISIANA, INC.

NUMBER: 509,297 DIVISION: D

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

FOUNDATION HEALTH CORPORATION,  
FOUNDATION HEALTH SYSTEMS, INC.,  
AND HEALTH NET, INC.

STATE OF LOUISIANA

\*\*\*\*\*

J. ROBERT WOOLEY, COMMISSIONER  
OF INSURANCE FOR THE STATE OF  
LOUISIANA IN HIS CAPACITY AS  
LIQUIDATOR OF AMCARE HEALTH  
PLANS OF LOUISIANA, INC.

NUMBER: 512,366 DIVISION: D

19TH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF EAST BATON ROUGE

PRICEWATERHOUSECOOPERS, LLP

STATE OF LOUISIANA

SUSPENSIVE APPEAL BOND Bond No. 08813662

WHEREAS, on August 2, 2005, the 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana, Honorable Judge Janice Clark presiding, rendered and signed a Judgment on a jury verdict in the above entitled and numbered cause in favor of the plaintiff, Jean Johnson, Special Deputy Receiver of AmCare Health Plans of Texas, Inc. ("AmCare-TX"), and against defendant, Health Net, Inc. (formerly known as Foundation Health Systems, Inc. and successor to Foundation Health Corporation) ("Health Net"); and

WHEREAS, Health Net timely filed a Motion for Judgment Notwithstanding the Verdict, or Alternatively, New Trial, or Alternatively, Remittitur; and

REC'D C.P.

DEC 05 2005

{B0361479.1}

Original 405 Bundle 11805  
Recordation Date 1/30/06  
Copy Cost 4.00  
Certification Cost 140.35  
Recording Cost 132.80

WHEREAS, on August 19, 2005, the trial court granted motion for judgment notwithstanding the verdict; and

WHEREAS, on November 3, 2005, the 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana, Honorable Judge Janice Clark presiding, rendered and signed a Judgment granting Health Net's motion for judgment notwithstanding the verdict and reduced the damages awarded to AmCare-TX; and

WHEREAS, in conjunction with the November 3, 2005, judgment, the trial court awarded AmCare-TX compensatory damages in the amount of \$28,280,000.00, together with legal interest from the date of judicial demand until paid, plus \$45,500,000.00 in punitive damages, together with legal interest from the date of judgment until paid (the amount of the judgment, plus interest through December 5, 2005, totals \$76,614,754.49); and

WHEREAS, on November 3, 2005, Health Net filed a motion and order for suspensive appeal in which Health Net seeks to take a suspensive appeal of the trial court's judgment conditioned upon the furnishing of legally acceptable security legally acceptable security as required pursuant to the Louisiana Code of Civil Procedure;

NOW, THEREFORE, Fidelity And Deposit Company Of Maryland, incorporated under the laws of the State of Maryland and licensed to do business in the State of Louisiana, and Zurich American Insurance Company, incorporated under the laws of the State of New York, and licensed to do business in the State of Louisiana, as co-surety, and Health Net, Inc. (formerly known as Foundation Health Systems, Inc. and successor to Foundation Health Corporation) ("Health-Net"), as principal, are held and firmly bound unto Doug Welborn, Clerk of Court for the 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana, or his successor in office, in the sum of EIGHTY FIVE MILLION FIVE HUNDRED SEVENTY SEVEN THOUSAND AND NO/100 (\$85,577,000.00) as security that Health Net will prosecute its appeal and satisfy any judgment that may be rendered against it, and should Health Net fail to satisfy the judgment, the undersigned, as sureties, will be liable for the amount of the judgment.

Executed at Los Angeles, California, on the 30th day

of November, 2005.

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

Surety

By:

Jeffrey Strassner

Attorney-in-Fact

**CERTIFIED  
TRUE COPY**

MAY 09 2011

BY Mallory W. Williams  
DEPUTY CLERK

**ZURICH AMERICAN INSURANCE COMPANY**

Surety

By:

Tenzet V. Cunningham  
 Tenzet V. Cunningham Attorney-in-Fact

Executed at Baton Rouge, Louisiana, on the 1<sup>st</sup> day  
December  
 JEP of ~~November~~, 2005.

**Health Net, Inc.,  
 Principal**

By:

JAMES C. PERCY  
 Attorney-in-Fact

CERTIFIED TRUE COPY

005680

DEPUTY CLERK OF COURT

TOTAL JUDICIAL DISTRICT  
 EAST BATON ROUGE PARISH  
 FILED

DEC-2 PM 2:33

CLERK OF COURT  
 JUDGE WELBORN  
 CLERK OF COURT EAST BATON ROUGE PARISH

**CERTIFIED  
 TRUE COPY**

MAY 09 2011

BY

William W. Williams  
 DEPUTY CLERK